

REMARKS/ARGUMENTS

Claim Status

Claims 1-18 are pending. Claims 2, 3 and 18 are currently amended for clarity and grammatical purposes. Support can be found in the claims as originally filed. Claim 17 is canceled without prejudice. No new matter has been added. Allowance of the claims is respectfully requested.

Applicants thank Examiner Nazario Gonzalez for the indication of allowability of claims 1-13 and 18.

Rejections 35 U.S.C. § 112

Claim 17 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. Claim 17 has been canceled. Withdrawal of this rejection is requested.

35 U.S.C. § 102

Claims 14-17 are rejected under 35 U.S.C. § 102 as anticipated over Yaghi (US 5,648,508). Claim 17 has been canceled.

Claims 14-16 are product by process claims. The Office acknowledges that the method of making the claimed product is novel and nonobvious (*See* Office Action, pg. 3 line 12). However, the Office Action asserts that "the patentability of a product does not depend on its method of production." (*See* Office Action, page 3, line 7-8). While this assertion is accurate, it is also true that the structure provided by process steps should be considered when assessing patentability. *See* MPEP §2114. Here, the crystalline, porous, metal-organic framework material according to the claimed invention is different from the material disclosed in Yaghi. This difference is illustrated by the analytical data of Example 3 of the

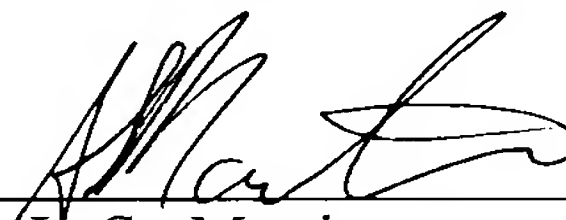
specification (pg. 41-42). Specifically, in Example 3 the copper-based metal organic framework materials prepared according to the present invention process have a significantly higher Langmuir surface area (pg. 41, line 28) as compared to conventionally prepared copper metal organic materials (pg. 42, line 1). In addition, the copper-based metal organic framework materials prepared according to the present invention process have a significantly improved x-ray absorption spectra as illustrated in Figure 5. Accordingly, the composition of the metal organic framework material prepared according to the claimed method is different from that provided by Yaghi and in addition has improved specific surface area and x-ray absorption, properties which are not supported by the distinct materials disclosed in Yaghi. In view of the fact that the method for producing the claimed material is novel and nonobvious, and the claimed material possesses improved properties over the prior art, the material is also novel and non-obvious over the prior art and withdrawal of this rejection is requested.

Conclusion

For the foregoing reasons, Applicants submit that claims 14-16 are also in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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